

**WORK SESSION MEETING
MAY 5, 2020**

In compliance with Chapter 231, OPEN PUBLIC MEETINGS ACT of the State of New Jersey, adequate notice has been given to all members of the Governing Body, the "Local Source" and the "Westfield Leader" the two newspapers designated to receive such notice. The notice is posted on the Borough Hall bulletin board.

Mayor Paul N. Mirabelli called the meeting to order at 7:34 PM via Zoom.

PRESENT: Mayor Paul Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilman Messler, Councilwoman Pacifico, Councilwoman Pater, Council President Turner, Administrator Atkins and Attorney Post. Also present were CFO Jill Goode, Recreation Director Frank Masella, Police Chief Joseph Giannuzzi, DPW Director Matthew Deanna and Engineer Mike Disko.

Discussion was held regarding the need for a resolution covenanting to comply with the Internal Revenue Code of 1986, as amended (the "Code"), and designating the \$5,266,072.00 Bond Anticipation Note and \$120,000 Special Emergency Note as "qualified tax-exempt obligations". The proper resolution will be prepared for the meeting of May 19, 2020.

Discussion was held regarding authorization to issue estimated tax bills. The Tax Collector recommends estimated bills be issued in case there is a delay with the state budget adoption. The Council agreed and the proper resolution will be prepared for the May 19, 2020 meeting.

Discussion was held regarding recreation refunds. Recreation Director Frank Masella recommended refunds for pool memberships and spring soccer cancellations. The proper resolution will be prepared for the meeting of May 19, 2020.

The following resolution was introduced by Councilwoman Pater and seconded by Councilman Messler.

**RESOLUTION 63-2020
CONDUCTING ANNUAL BUDGET EXAMINATION**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C 5:30-7.2 through 7.5 the Borough of Mountainside has been declared eligible to participate in the program by the Division of Local Government Service, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2020 budget year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that, in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the Governing Body has found the municipal budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the “CAP” law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that the effective date of this resolution is April 21st, 2020, and that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Roll Call: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0

The following resolution was introduced by Councilman Dierkes and seconded by Councilwoman Pater.

RESOLUTION 64-2020

WHEREAS, on April 28, 2020, Philip D. Murphy, Governor of the State of New Jersey, issued Executive Order 130, authorizing any governing body of a municipality with a calendar year budget cycle to adopt a resolution extending the grace period concluding on a date no later than June 1, 2020 for the payment of second-quarter property taxes due May 1st, 2020; and

WHEREAS, the Governing Body of the Borough of Mountainside, in recognition of the economic hardship suffered by some residents and businesses due to the Covid-19 pandemic, desire to provide some temporary relief to minimize and mitigate additional hardships, losses, or suffering by Mountainside residents as the State and the Borough respond to the spread of COVID-19; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the grace period be extended concluding on June 1, 2020, for the payment of second quarter property taxes due May 1st, 2020, pursuant to Executive Order 130.

BE IT FURTHER RESOLVED that the municipal clerk shall notify the Director of the Division of Local Government Services in the Department of Community Affairs of this resolution instituting an extended grace period adopted under authority of this Order not later than the third business day next following the municipal governing body's adoption of the resolution.

Roll Call: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0

Discussion was held regarding a proposed Alpine Ridge Settlement Agreement. The borough is considering approving an agreement with the developer of the age-restricted development on Route 22 to convert the three-year-old project from condominiums into leased apartments with minimum rents of \$4,500 a month. Attorney Post provided a history of the case and highlighted the reasons for recommending the settlement. Post stated the requirements of the minimum rent, minimum one-year lease and no sublets as conditions the borough may not have gotten if Alpine had returned to the planning board for approval. Attorney Post answered resident's questions and concerns via Youtube (see attached comments). The proper resolution will be prepared for the May 19, 2020 meeting.

Discussion was held regarding the appointment of Tristan O'Connor as a Police Officer. Councilman Turner explained the officer was selected from a list of candidates from the last round of police hires. Councilman Dierkes would have preferred to have more options to choose from. The proper resolution will be prepared for the meeting of May 19, 2020.

BILLS & CLAIMS:

The following resolution was introduced by Councilman Dierkes and seconded by Councilman Messler:

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following bills of the persons named and for the amounts stated below, having been duly audited and found to be correct this 5th day of May 2020, the same be paid after Council's review, if and when funds are available and that the Mayor, Council President, Administrator and Treasurer are hereby authorized and directed to sign and deliver warrants for same in the amount of \$36,836.75 (Copy of bill list attached.)

Roll Call: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0

AUDIENCE PARTICIPATION:

Hearing no one wishing to speak, Mayor Mirabelli closed the meeting to the public.

The following resolution was introduced by Councilman Dierkes and seconded by Councilwoman Pater.

WHEREAS, the Open Public Meetings Act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

WHEREAS, the Mayor and Council desire to discuss personnel and litigation which are matters where the exclusion of the public is permitted; and

WHEREAS, public disclosure of the results of this discussion will be made as soon as the matters discussed have been resolved by the Governing Body of the Borough of Mountainside;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the aforesaid matters shall be discussed in closed session upon adoption of this resolution.

Meeting adjourned to closed session at 8:41 P.M.

The meeting was recalled to public session.

Upon a motion by Councilman Messler and a second by Councilwoman Pater, the meeting was unanimously adjourned at 9:41 P.M.

Martha Lopez, RMC
Borough Clerk